



## National Emergency Number Association

October 31, 2005

Lemuel C. Stewart, Jr.  
Chairman, Wireless E-911 Services Board  
Virginia Info. Technologies Agency  
411 East Franklin Street, Suite 500  
Richmond, Virginia 23219

Dear Mr. Stewart,

I am writing on behalf of the Virginia Chapter of the National Emergency Number Association (VENA) regarding the drafted changes to the legislation that created and outlines the responsibilities and duties of the Virginia Wireless E-911 Services Board. Even though individual VENA members attended the sub-committee public meetings on August 11, 16 and September 1 we did not feel it prudent to remark as an organization until the final sub-committee report and drafted legislative changes were finalized and submitted.

At the October 28, 2005 VENA business meeting we, as an organization, were able to discuss the proposed changes and vote on our support or opposition to different portions of the proposed language. Attached is a document that summarizes our organization's position(s) on the drafted legislative change.

I request that this letter and attached be distributed to all Wireless E-911 Services Board members prior to the November 9<sup>th</sup> meeting and be included as part of the minutes/record of that meeting. I have e-mailed a copy to Steve Marzolf to facilitate this distribution in a timely manner.

Sincerely,

A handwritten signature in black ink, appearing to read "George Thomas".

George Thomas  
Acting President

Virginia Chapter, National Emergency Number Association (VENA)

cc: Steve Marzolf, Coordinator, Public Safety Communications, VITA

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**Virginia Chapter, National Emergency Number Association (VENA)**

**Response regarding Wireless E-911 Services Board Drafted Legislative Changes**

**1. Restructuring of the Wireless Funding Process**

“Based on the funding each PSAP received in FY2006, the Board will determine a percentage of the overall PSAP funding that each PSAP should receive. Since the PSAPs currently receive about half of the funding collected, half of the revenue collected each month would be distributed to the PSAPs based on this percentage. The other half of the Wireless E-911 Fund would be provided for grants to PSAPs and wireless providers (or directly to service providers by the Board on behalf of PSAPs or wireless providers) based on criteria established by the Board. Any funding that has been uncommitted at the end of each fiscal year should be distributed to the PSAPs based on the same disbursement formula used for the monthly payment throughout that year. The percentages used for the disbursement should be recalculated by the Board before the start of each new biennium to account for disproportionate growth in the Commonwealth.

If the telecommunications taxation reform proposals considered in prior sessions of the General Assembly are again considered, this proposed funding process, which is very similar to the process in previously introduced reform legislation, could be incorporated into that process to further simplify the local funding and telecommunications taxation process.” (Taken from FY2005 Wireless E-911 Service Board Draft Annual Report)

**VENA RESPONSE: SUPPORT WITH NOTED CHANGES (60/40)**

We agree with the basic principle behind this proposed change and agree with the simplification of the funding process. We agree as well there exists a need to reassess the distribution percentage biennially. Furthermore, we endorse an end of fiscal year distribution to PSAPs of uncommitted funds.

However, we do not agree with the 50/50 split of funds, and suggest a 60/40 split of the wireless funds with 60% going to PSAPs for use in taking and responding to Wireless E-911 calls. This would still leave approximately \$14.4 million dollars annually for the Board to distribute through grant funding on a “needs basis” to individual PSAPs or other approved/required expenditures. We also feel the Wireless funding should remain separate and autonomous from the proposed Telecomm Tax Reform.

Additionally, current drafted language states “Any Wireless E-911 funding that has not been committed by the Board by the end of the fiscal year **shall** be distributed to the PSAPs based on the same distribution percentage used during the fiscal year in which the funding was collected.” We have learned that it is planned to alter this language to “may be

*distributed*” to allow the Board some latitude in funding large projects over more than one fiscal year. The new proposed language will need to be specific in that the intent of the Board is to annually redistribute unallocated funds to the individual PSAPs, and that it would only be for specific projects with exact financial costs known. This would be more in the spirit of what the sub-committee suggested to the Board.

## **2. Addition of VoIP deployment**

“Add the responsibility for VoIP E-911 to the duties of the Board mirroring the role the Board has with the deployment of wireless E-911.” (Taken from FY2005 Wireless E-911 Service Board Draft Annual Report)

### **VENA RESPONSE: SUPPORT WITH NOTED CHANGES**

We agree that there is a need for coordination of VoIP delivery in the Commonwealth and that the State Public Safety Communications Staff would be proficient in doing so. We believe that the section should be reworded to be specific to coordination, as the words “responsibility” and “deployment” could lead some to suggest the Wireless Board now is responsible for deployment of E-911 VoIP across the Commonwealth, which is not the intent nor advisable. The FCC has already mandated this delivery.

The drafted legislation calls for establishment of a “telecommunications plan” and VoIP to be part of this “plan.” It states that grant funding will be used to support PSAPs and others who support the plan. This language should be specific to emphasize “coordination” and financial assistance to individual PSAPs in receiving VoIP and other data sources, so that it cannot be misconstrued to mean grant funding will be used to support commercial vendors of telecommunications (VoIP, telematics, et al) as opposed to required hardware/software that would be needed by the individual PSAPs. Furthermore, any potential E-911 tax of VoIP should be handled in the same manner as wireline E-911 tax - either as part of the Telecomm Tax Reform or remitted to individual localities as the wireline E-911 tax is. VENA suggests the Wireless Board take this same position in writing via open letter to the General Assembly members.

If legislation is forwarded by the Board supporting this initiative, it will be necessary to change the Board’s membership to reflect this additional responsibility. In this case, VENA suggests doing so by removing a Wireless/CMRS provider and adding one VoIP provider and one additional PSAP representative to the Wireless E-911 Services Board (total members 15).

### **3. Statewide IP-based network**

“Add the responsibility for the deployment of a statewide IP-based network to the duties of the Board and seek general fund support for this effort.” (Taken from FY2005 Wireless E-911 Service Board Draft Annual Report)

#### **VENA RESPONSE: DO NOT SUPPORT – CHANGES SUGGESTED**

We believe VITA, not the Wireless Board, will and should be the driving force behind such a comprehensive plan, involving so many different stakeholders. This is a stated goal of the State's IT outsourcing project. Quoting from a September 14, 2005 story in the Richmond Times-Dispatch,

“Virginia's information technology systems are outdated, inadequate, insecure and incompatible, according to Lemuel C. Stewart, the state's chief information officer. Transforming them into a system that is modern, integrated, standardized and secure will take seven to 10 years and require an investment of \$200 million to \$250 million.”

Quoting from a October 25, 2005 story in the Richmond Times-Dispatch announcing award of the IT outsourcing contract to Northrop-Grumman, ““Transforming the IT infrastructure is critical to the operations of state government and improved citizen services,” McGuirk (*James F. McGuirk II, chairman of the IT Investment Board*) said. “Doing nothing would end up costing the state an additional \$200 million over the next 10 years to support an increasingly outdated and expensive infrastructure.”

These quotes from Mr. McGuirk and Mr. Stewart show the VITA Investment Board and VITA have a shared vision of building a statewide secure IP network. Although E-911 should be a consideration in development and use of a network such as this, VITA, not the Wireless Board, is the more appropriate agent to facilitate this.

If, though, the Board were to still be in favor of including the language we suggest the following changes. In the drafted legislation, establishment of the State IP Network is addressed as part of the “telecommunications plan” that will be developed for the Commonwealth, and be funded through grants to be distributed to PSAPs and others who support the plan. VENA contends this is too broad-based and may be misconstrued to mean the Board is responsible for deployment of the network, not as the catalyst for studying and a participant in deployment, should a single secure statewide IP network be developed. We suggest more specific language that would more correctly frame the Board's involvement to that of advocate and essential component, not developer or funding source.